

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9208

IN THE MATTER OF:

Served December 22, 2005

Rulemaking to Amend Rules of)	Case No. MP-2005-169
Practice and Procedure and)	
Regulations, Regulation)	
No. 60, Reports, and)	
Regulation No. 67, Fees)	

This rulemaking was announced in Order No. 9088, served November 2, 2005, for the purpose of soliciting comments on proposed amendments to Commission Regulation No. 60, governing reports, and Commission Regulation No. 67, governing fees.

The amendments as proposed would, among other things, move the deadline for filing annual reports from April 30 to January 31, increase the annual fee and most filing fees and adopt late fees for tardy annual reports, annual fees and insurance filings.

The order established a three-week comment period, was served on all WMATC carriers of record, and has been posted to the Commission's website since being issued. Further, the Commission published notice of this proceeding in the Washington Times on November 4.

Only one comment was received. One WMATC carrier found the proposed increases "sizable" but principally was inquiring into the rulemaking process. The Commission has not changed its fees for nearly fifteen years. Most of the proposed fee increases barely keep pace with the increase in the Commission's cost of operations. Revenue from fees has not come anywhere close to covering those costs in the last fifteen years.

Accordingly, for the reasons stated in this order and in Order No. 9088, Commission Regulation Nos. 60 and 67 are hereby amended to read as follows:

60. Reports

60-01. Annual reports. Each carrier holding a certificate of authority on the first day of the calendar year shall file an annual report on or before January 31 of that year. The report shall be filed using the Commission's annual report form, which shall require the carrier to certify the current accuracy of the information in the report and state whether any organizational changes have occurred since the date of the prior year's report or, if no annual report was due the prior

year, the date the carrier's certificate of authority was issued or reinstated.

60-02. Other Reports. A carrier shall file such other report(s) as the Commission may from time to time require.

60-03. Automatic suspension. A carrier's operating authority shall stand suspended upon the carrier's failure to file an annual report within ninety days of the due date.

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67. Fees

67-01. Filing fees. The following fees shall be paid as indicated at the time of filing a tariff, one or more vehicle leases, a formal complaint or an application. The tariff and vehicle-lease filing fees shall not apply to any such filing made as part of an application to obtain, amend or transfer a certificate of authority or transfer control. In the case of a rejected filing, the Commission shall return half of the fee paid.

Tariff:	\$50
Vehicle lease:	50
Formal complaint:	75

Applications:

Irregular route authority:

New certificate	250
Transfer of certificate/control	250
Expansive amendment	250
Restrictive amendment	75
Name change	75
Temporary authority	125
Temporary approval of transfer	125

Regular route authority:	\$500
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Self-insurance:

Approved by USDOT	250
Not approved by USDOT	5,000

67-02. Annual fees. Each carrier holding a certificate of authority on the first day of the calendar year shall pay an annual fee of \$150 on or before January 31 of that year.

67-03. Late fees. The following late fees shall be due and payable upon the failure of a carrier to:

(a) Timely file an annual report -- \$100.

(b) Timely pay an annual fee -- \$100.

(c) Timely file a WMATC Certificate of Insurance and Policy Endorsement -- \$50.

67-04. Automatic suspension. A carrier's operating authority shall stand suspended upon the carrier's failure to pay an annual fee or late fee within ninety days of the due date.

THEREFORE, IT IS ORDERED: That the amendments to Commission Regulation Nos. 60 and 67 herein prescribed shall be effective January 1, 2006.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Executive Director